

MARYLAND REGISTER

**Proposed Action on Regulations**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	01/31/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 3/21/2014**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

33	14	01	04
33	14	02	01, .02, .04, and .06
33	14	03	02

**3. Name of Promulgating Authority**

State Board of Elections

<b>4. Name of Regulations Coordinator</b>	<b>Telephone Number</b>
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**Title 33**  
**STATE BOARD OF ELECTIONS**

**Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT**

**33.14.01 Definitions; General Provisions**

**Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT**

**33.14.02 Eligibility Requirements and Procedures**

**Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT**

**33.14.03 Limitations on Campaign Expenditures**

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland; Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland; Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland; Election Law Article, §13-604.1, Annotated Code of Maryland

**Notice of Proposed Action**

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The State Board of Elections proposes to amend: (1) Regulation .04 under COMAR 33.14.01 Definitions; General Provisions; (2) Regulations .01, .02, .04, and .06 under COMAR 33.14.02 Eligibility Requirements and Procedures;

This action was considered by the State Board of Elections at its January 23, 2014, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to clarify requirements for public financing, establish a process to withdraw from public financing, define contents of form to request distribution

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

## Opportunity for Public Comment

Comments may be sent to Erin Perrone, Administrative Assistant, State Board of Elections, 151 West Street, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to . Comments will be accepted through April 21, 2014. A public hearing has not been scheduled.

### Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 14

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

No funds are necessary to implement these regulations.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These regulations are technical and administrative in nature.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations do not impact small business as they are technical and administrative in nature.

G. Small Business Worksheet:

Attached Document:

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## Title 33 STATE BOARD OF ELECTIONS

### Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT

#### Chapter 01 Definitions; General Provision

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

#### .04 Agency Responsibilities—State Board.

The State Board shall:

A. – F. (text unchanged)

G. Promptly after the gubernatorial *primary* or general election, audit all campaign [fund] *finance* reports and other documents submitted by an eligible candidate *for that election*.

# Title 33 STATE BOARD OF ELECTIONS

## Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT

### Chapter 02 Eligibility Requirements and Procedures

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

#### **.01 In General.**

To be eligible to receive a public contribution under the Public Financing Act, a candidate shall:

A. First, file a certificate of candidacy that meets the requirements of law, *establish a gubernatorial ticket candidate committee, and file a notice of intent to qualify for public contributions*; and

B. Then, file with the State Board within the deadlines specified in this subtitle [:

(1) A notice of intent to qualify for public contribution, and

(2)] A certification, signed by the candidate's treasurer, that the seed money required by the Act has been raised.

#### **.02 Special Circumstances.**

A. First Request for General Election. A candidate who did not receive a public contribution in the primary election, but who is a nominee in the general election, may become eligible for a public contribution in the general election if the:

(1) Candidate's expenditures in the primary election did not exceed the limitations established by the Public Financing Act, *if applicable*; [and]

(2) Candidate [otherwise meets the requirements of this subtitle within the applicable deadlines] *raised seed money in accordance with law; and [.]*

(3) *Candidate meets all other eligibility requirements under the Election Law Article of the Annotated Code of Maryland to be a candidate and receive a public contribution.*

B. (text unchanged)

C. Unaffiliated Candidates.

(1) In this section, "[principal] political party" means any political party that nominates its candidates for public office [by primary election] pursuant to Election Law Article, §§5-703.1 or 8-202, Annotated Code of Maryland.

(2) A candidate who is not affiliated with a [principal] political party is entitled to receive a public contribution if the candidate:

(a) [meets] *Meets* the requirements of the Act and this subtitle[.] *and;*

(b) *Raised seed money in accordance with law.*

D. Write-In Candidates. A write-in candidate who has filed a certificate of candidacy that meets the requirements of law is entitled to receive a public contribution if the candidate:

(1) [meets] *Meets* the requirements of the Act and this subtitle[.] *and;*

(2) *Raised seed money in accordance with law.*

#### **.04 Deadline for Notice and Certification—General Elections.**

A. In General. For a general election, the notice of intent and the certification shall be filed with the State Board not later than [5 days after the State Board declares the candidates for Governor and Lieutenant Governor] *5 p.m. on the first Monday in August in the year of the general election.*

B. (text unchanged)

C. *Withdrawal.*

(1) *A candidate that qualified and received public contributions in the primary election may decline to receive public funds for the general election.*

(2) *A candidate declines to receive public funds for the general election by filing a written notice with the State Board not later than 5 days after the State Board certifies the gubernatorial primary election.*

#### **.06 Requests for Contribution—Primary Elections.**

A. Deadlines for Request. For a primary election, the request shall be filed as follows:

(1) (text unchanged)

(2) For subsequent distributions [not later than the following dates]:

(a) The first *and third* Tuesday in *January, February, March*, April, May, and June, [July, August, and September], and

(b) [The] *Not later than the* second Tuesday after the primary, which will cover contributions received from the date of the candidate's last request for public contribution through the primary election.

B. Contents of Request. Each request shall [identify the] *be under the penalty of perjury and include:*

- (1) [Date] *The date* of the preceding request, if any; [and]
  - (2) [Amount] *The amount* of public contribution received to date, if any[.];
  - (3) *The transaction period covered for the request of public contributions;*
  - (4) *The total number of eligible private contributions received;*
  - (5) *The total amount of public contributions requested for the transaction period; and*
  - (6) *A campaign finance report for the transaction period detailing:*
    - (a) *All contributions received including:*
      - (i) *Any in-kind contributions received by the political committee; and*
      - (ii) *Designating contributions eligible for a full or partial public fund match request;*
    - (b) *All expenditures made including any in-kind contributions received by the political committee as an authorized expenditure by the political committee; and*
    - (c) *All outstanding obligations incurred.*
- C. Fund Allocations.
- (1) The State Board interprets the Act to require that a candidate file a certificate of candidacy before *establishing a gubernatorial ticket candidate committee*, filing a notice of intent to qualify or a request for public contribution.
  - (2) The deadline for filing a certificate of candidacy is [not later than 9 p.m. on the Monday that is 10 weeks or 70 days before the day on which the primary election should be held] *established by Election Law Article, §5-303(a)(1), Annotated Code of Maryland.* [The Act requires the State Board to begin distribution of public contributions to qualified candidates on February 1 of the year of the election.]
  - (3) The State Board does not interpret these provisions to mean that all eligible candidates must file a certificate of candidacy on or before [February 1 of the year of the election] *the first date of distribution of public contributions.* Rather, the State Board interprets the law to permit eligible candidates using the Fund *in the primary election* to file certificates of candidacy at any time up until the deadline [of 9 p.m. on the Monday that is 10 weeks or 70 days before the day on which the primary election should be held] *established under the Election Law Article, §5-303, Annotated Code of Maryland.*
  - (4) – (5) (text unchanged)

## **Title 33 STATE BOARD OF ELECTIONS**

### **Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT**

#### **Chapter 03 Limitations on Campaign Expenditures**

Authority: Election Law Article §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

##### **.02 Central Committees.**

A. Expenditures made on behalf of the candidate by a State or local [partisan] central committee *of a political party* are not subject to the expenditure limitation imposed by the Act.

B. *Expenditures by a State or local central committee of a political party coordinated with the candidate are in-kind contributions and subject to the limitations of Election Law Article, §13-226(c).*

LINDA H. LAMONE  
STATE ADMINISTRATOR